

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MAY 02 2023

NATHAN OCHSNER
CLERK OF COURT

UNITED STATES OF AMERICA

§

v.

§

CRIMINAL NO. **B-23-295**

JUAN FIDEL CASTRO
ERIKA NOEMI HERNANDEZ

§

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

From in or around 2022 to on or about April 11, 2023, within the Southern District of Texas and elsewhere and within the jurisdiction of the Court, Defendant,

JUAN FIDEL CASTRO,

did knowingly conspire with persons known and unknown to the Grand Jurors to ship, transport, cause to be transported, and otherwise dispose of a firearm, including, but not limited to, the following:

1) Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BYMR523;

2) Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BZSX146;

to another person, in and otherwise affecting interstate and foreign commerce, knowing and having reasonable cause to believe that the use, carrying, and possession of the firearm by the recipient would constitute a felony.

In violation of Title 18, United States Code, Sections 933(a)(3) and 933(b).

COUNT TWO

On or about April 11, 2023, within the Southern District of Texas and within the jurisdiction of the Court, Defendants,

**JUAN FIDEL CASTRO
AND
ERIKA NOEMI HERNANDEZ,**

did willfully and knowingly export and send, and attempt to export and send, merchandise from the United States to Mexico, including, but not limited to, the following:

- 1) Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BYMR523;
- 2) Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BZSX146;

contrary to the laws and regulations of the United States, to wit: Title 50, United States Code, Section 4819 and Title 15, Code of Federal Regulations, Sections 774 and 736.2(b)(1).

In violation of Title 18, United States Code, Section 554(a) and Title 18, United States Code, Section 2.

COUNT THREE

On or about April 11, 2023, within the Southern District of Texas and within the jurisdiction of the Court, Defendant,

ERIKA NOEMI HERNANDEZ,

did knowingly purchase a firearm, to wit: a Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BYMR523; and a Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BZSX146, in and otherwise affecting interstate and foreign commerce for, on behalf of, and at the request and demand of another person, knowing and having reasonable cause to believe that the other person intended to use, carry, possess, sell, and otherwise dispose of the firearm in furtherance of a felony, to wit: Smuggling Goods from the United States, in violation of Title 18, United States Code, Section 554(a).

In violation of Title 18, United States Code, Sections 932(b)(2) and (c)(2).

COUNT FOUR

On or about April 11, 2023, within the Southern District of Texas and within the jurisdiction of the Court, Defendant,

ERIKA NOEMI HERNANDEZ,

in connection with the acquisition of a firearm, namely a Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BYMR523; and a Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BZSX146, from Academy Sports & Outdoor, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did knowingly make a false and fictitious written statement intended and likely to deceive Academy Sports & Outdoor, as to a fact material to the lawfulness of the acquisition of the firearm by Defendant under Chapter 44 of Title 18, in that Defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, in which she falsely represented that she was the actual buyer of the firearm indicated on the Form 4473, when in fact, as Defendant then knew, she was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

NOTICE OF CRIMINAL FORFEITURE

1. The allegations contained in this Indictment are incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of any of the offenses set forth in this Indictment, Defendants,

**JUAN FIDEL CASTRO
AND
ERIKA NOEMI HERNANDEZ,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section

924(d)(1) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in, used, or intended to be used in the commission of such offense, including, but not limited to, the following:

- 1) Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BYMR523;
and
- 2) Glock, Model 19, 9mm caliber, semi-automatic pistol, serial number BZSX146.

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY



EDGARDO J. RODRIGUEZ
ASSISTANT UNITED STATES ATTORNEY